

## PAPER MILL FOR HAWAII

### To Utilize Cane Refuse of Sugar Mills.

Within a couple of years people in almost every part of the world will be writing letters on paper made in this territory from the cane refuse of the sugar mills. At least this will be possible if a gentleman who is now in Honolulu is successful in his efforts to establish such a mill here.

S. N. Mayer, of Seattle and St. Louis, a well known traveler, who searches out corners of the globe where "good things" are to be found, spent about ten days in Honolulu while on his way to the Orient about a year ago and was so impressed with the possibilities of making paper out of the cane refuse of the sugar mills that he has again returned—this time representing a powerful Seattle company and with other backing sufficient to establish the enterprise.

When interviewed by an Advertiser reporter yesterday afternoon Mr. Mayer stated that the possibilities of a paper mill here were great. Paper could be made so much more cheaply out of cane refuse than it could out of rags or other waste in the States that he thinks a Honolulu mill could import talc and other things necessary to be used with the cane refuse for the manufacture of paper and that it could ship its finished product to the East and successfully compete with the paper trust. He says that there is but one paper mill in China and only one in Japan and that there is a great market in those countries for enameled and writing papers. The number of vessels calling at Honolulu would give the mill an opportunity to ship paper to almost any part of the world and to sell it at a price that would compare very favorably with that of other paper mills.

Mr. Mayer is a business man and not an expert on mill construction and paper making but says that an expert paper man representing the new company will arrive here from New York within thirty days.

If the mill can be established on the basis that Mr. Mayer expects he says that it will employ two hundred and fifty men on the start and a thousand when it gets going at full blast. He says it will be necessary to bring a large number of paper makers here from the mainland but that some local labor would be used and in time as local workers mastered the trade it would be practically all done by local people.

Mr. Mayer represents The American Talc and Asbestos Company, of Seattle, and for them has an option on a very large quantity of talc, sometimes called soapstone, sufficient to provide ample quantities for use in the mill here. In the manufacture of paper about twenty-five per cent of talc has to be used. Talc is the softest known metal. The company has an advantage over Eastern mills as far as Hawaii is concerned in that their talc mines are on the Coast and they can ship the metal to Hawaii cheaply. The trust mills get nearly all of their supply from Europe and pay heavy freight on it.

"It is not our idea," said Mr. Mayer, "to get capital for this enterprise here. We have the capital already. But if Honolulu people care to subscribe to the enterprise we would be pleased to have them. We will proceed with the work anyway whether Hawaiian people consider the project a good one for investment for them or not."

Mr. Mayer is now engaged in securing land for a mill. He could not state yesterday where it would be located but thought that it would be close to Honolulu.

He has investigated the situation as regards the cane refuse supply thoroughly. The plantations are now using it as fuel but as it is very hard to handle and as fuel oil is coming on the market as an advantageous mill fuel he thinks that they will be glad to sell their cane refuse to the paper mill at a reasonable figure and Mr. Mayer declares that this will be much cheaper than the same article could be purchased in the States. Mr. Mayer expects to open an office here within a few days.

## A BREATHING SPELL

If the Consumptive could only keep from getting worse it would be some encouragement.

Scott's Emulsion at least gives tired nature a breathing spell from the exhausting conflict with disease.

Rich nourishment, strength to repair bodily waste, new life for the lung, these are what Scott's Emulsion brings.

Often it enables nature to gather force enough to throw off the disease altogether.

Scott's Emulsion is valuable at the beginning. Then is when cure is most certain. But in any stage of the disease Scott's Emulsion counteracts the work of destruction and reinforces nature.

Send for Free Sample.  
SCOTT & BOWNE, Chemists, 405 Pearl St., N. Y.

## ATTACK THE INCOME LAW

### Constitutional Objections Were Raised.

The constitutionality of income tax law was threshed over again yesterday in the United States Court in the suit of W. C. Peacock and others to enjoin Assessor Pratt from collecting the tax. The suit came up on demurrer to the complaint, and upon the points raised here the case will be carried to the higher courts.

Attorney General Dole represented the Territory and Thomas Fitch and J. J. Dunne appeared for the petitioners. Mr. Dole began by saying that he had expected Mr. Robertson to argue the matter, so had but little time for preparation. He stated however that the hearing in the Supreme Court covered practically the same grounds and he therefore read Robertson's brief in the Robertson vs. Pratt case, which had been presented in the Territorial courts. Mr. Dole argued that the points in the Federal suit were substantially the same as those upon which the Supreme Court had passed, and that the Supreme Court should govern in a manner the acts of the Federal Court. It was contended further that the Territorial legislature had as much power as a State legislature, under the organic act.

Mr. Fitch contended that a Territorial legislature can impose a direct tax. "The complainants," said he, "rest their case upon the ground that the income tax law of Hawaii is void for want of uniformity, in that it was enacted in brazen defiance of the Organic Act and of Section 8 of Article I of the United States constitution, saying that all duties, imposts, etc., shall be uniform throughout the United States, and of the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, and that the yield sections of it make invalid the entire law, for that it constitutes one entire scheme of taxation."

Mr. Fitch contended that the law discriminates in favor of the idle man, who earns \$5 per day and works but 200 days, and the man who works 300 days would have to pay \$10 tax.

It was further argued that the law did not exempt income from United States bonds, and is therefore in conflict with the laws of Congress, and that salaries of judges in Hawaii paid by the United States are not exempt. It is further argued that there is a discrimination in favor of private schools, fraternal societies and insurance companies which are conducted for private benefit.

It is also contended that there is a discrimination between married men and bachelors, between wards living together and wards living separately, between families where the husband is the only breadwinner and where both husband and wife earn an income. Mr. Fitch further said that the Hawaiian income law was more drastic than Congress ever dared to adopt, and that the "Hawaiian legislature leaped defiantly with both feet, upon all constitutional restrictions."

Mr. Fitch referred to the section giving the assessor the right to add two hundred per cent penalty in cases of what he supposed to be fraudulent returns, making the assessor complainant, judge, principal witness and high sheriff, all in one.

Mr. Fitch declared also that "where it is impossible to extract the unconstitutional, invalid and void provisions of the law from the body of it, without invalidating the remainder and destroying the law as understood and intended by the legislature—then the law, being void in one particular, is altogether void, and the injunction asked for should be granted."

Mr. Dunne, in his argument, paid special attention to the section of the law giving the assessor the right to fix the amount in case no return was made and declared that courts uniformly denounced such arbitrary and uncontrolled power, there being no appeal from his action.

Judge Estee interrupted to say that the California courts had held the assessor could be given such power. Mr. Dunne replied that the United States Supreme Court ever since we had one had repudiated this power.

The court stated further that government officials were not supposed to be arbitrary, but that taxes from their nature were summary. This power, he said, happened to be given by law in a number of States, and the Supreme Court had decided that taxes could be enforced by such extreme measures.

Mr. Dole made no reply and Judge Estee requested counsel to file a brief before the end of the week. A decision may be given Monday morning.

## CHINA ARRIVED FROM THE ORIENT

The Pacific Mail liner China arrived off the anchorage at about ten o'clock last night after making a fair passage from Yokohama.

When the pilot boarded her Mr. Thompson, her chief officer, reported that all on board were well. As the vessel left Japan on August 26th she should have three days' later news.

The officers stated that the files of the Japanese papers they brought contain no sensational news.

The China will come into the harbor early this morning and will probably depart for San Francisco this afternoon.

Korea Expected Today.

The new steamer Korea of the Pacific Mail line is expected to arrive from San Francisco today.

## JEAN SABATE IS IN THE TOILS OF UNITED STATES LAW



JEAN SABATE, CHARGED WITH PILFERING THE U. S. MAILED.

(From sketch made upon his arrival in Honolulu in 1901.)

## Fifty-Seven Letters Which He is Alleged to Have Stolen Found Among His Personal Effects.

Jean Sabate, the young Frenchman who has been in trouble several times before with the authorities, was arrested yesterday at noon for a violation of the postal statutes, and stands a good chance, if the charges are proven, of spending a long term in Oahu Prison. Sabate was arrested by Marshal Hendry with a quantity of mail matter, the property of others than himself, in his possession. He was taken for trial before Commissioner Gill yesterday afternoon but upon his demand for counsel the hearing was continued until nine o'clock this morning. Nearly all the letters, numbering fifty-seven found upon Sabate, were dated December 2, and were chiefly local. There are, however, instances of other thefts of letters covering at least two months, some of which probably came from the States.

This is not the first conflict Sabate has had with the postal authorities. He was arrested December 20th, of last year on the charge of failing to mail a package which had been given him for that purpose, he at the time serving in the capacity of a letter carrier. The grand jury failed to indict, upon the advice of United States Attorney Breckons, who discovered technical objections to a successful prosecution. The package, containing fapa cloth, had been given to Sabate to mail by a friend, and it was afterwards discovered in Sabate's desk at the post-office. There was a fatal defect in the proof of the crime, for no stamps had been placed upon the package, though twenty-five cents had been given to the carrier to pay the postage. Though the evidence showed the larceny of the money, the package, unstamped could not be construed as mailable matter within the statute, and the grand jury consequently failed to indict.

Because of Sabate's connection with the first charge he was discharged from the service on December 2nd. It was on that day that the letters found yesterday had been given to the carrier to deliver, as was indicated by the date. The greater number of the letters contained bills sent out the first of the month by downtown business firms. Many of them came from the Hawaiian Electric Co., while others are from Levey & Cooke. There were several letters for D. H. Case, others for Curtis J. Lyons, etc. As far as known none of them contained anything of value and not all of these had been opened, though the queries for missing letters addressed to the postal authorities were traced to this date. Empty envelopes found with the letters with inquiries which had been received by the Postmaster indicate that some at least contained drafts, and checks. As far as known, however, none of them were cashed by Sabate, as in the cases where local firms were affected new drafts had been made out and paid. Until all the parties having sent the letters in Sabate's possession have been notified, there is no way of learning the extent of the robbery. The letters found also included some that he had collected but failed to deliver at the postoffice. Among Sabate's belongings were found articles of wearing apparel which could not have been used by him. These consisted of trousers and shoes and linen of many different sizes. Upon his arrest Sabate told the United States officials that he knew nothing of any stolen letters. When the bundle was found in the basket he said he did not know how it came there.

At two o'clock Sabate was taken before United States Commissioner Gill and then the following complaint was read to him:

Comes now Louis Kenake, of said district, and upon his oath complains and says that Jean Sabate, late of the district aforesaid, heretofore, to wit, on or about the first day of December, A. D. 1901, in said District of Hawaii, the said Jean Sabate being then and there a person employed in a department of the postal service of the said United States, to wit, as a letter carrier, of and for the postoffice of the

said United States at the District of Hawaii aforesaid, unlawfully and feloniously did secrete and embezzle a certain letter then and there entrusted to him, and intended to be carried and delivered by the letter carrier, contrary to the form of the statute in such case made and provided, to wit, Section 339, R. S. U. S., and against the peace and dignity of the said United States.

To this Sabate entered a plea of not guilty, but objected to going to trial. He demanded that he first be allowed to see an attorney and finally upon the request of United States Attorney Breckons a continuance was taken until nine o'clock this morning. Bail was fixed at \$1,000, and Mr. Breckons requested that he be informed in case the bond was given as he wished to file further complaints before Sabate was allowed to go. Later in the afternoon when it was learned that Editor Testa was trying to secure the release of his employee, a new complaint was filed before the commissioner charging a violation of Section 5467, of the Revised Statutes, in secreting a letter on November 22nd. Mr. Breckons stated yesterday that the evidence against Sabate was strong, and that if he secured a release upon the two charges already preferred additional complaints were ready to be filed. As fifty-seven letters were found in his possession and as a new case could be made out of each one, it would seem as if the young man had a rather rough road to travel. Marshal Hendry already has another warrant in the second case ready to serve if Sabate gets out on bail in the first case.

The penalty for each offense charged, the secreting of a letter, is punishable by a fine not to exceed \$500 or imprisonment of not more than one year, or both in the discretion of the court, on the second charge of concealing letters containing anything of value, the punishment may be anything up to five years.

Sabate has been in Honolulu for about two years, working for a time at the postoffice, later at the Republic, and up to the time of his arrest he was connected with the Independent. When he first arrived here, Sabate told a story of his having been forced to leave France because of his connection with the Dreyfus affair. He said he had been a lieutenant in the French army and fought a duel with his commanding officer because of Dreyfus and was wounded in the neck. He managed to escape, according to his story, and came to America, but later returned to France upon the representations of the authorities and of his father the mayor of Bordeaux. Upon his return he was put in Irons, and again escaped, coming to America, enlisting in the army, and going to Cuba with the 25th regiment. He was dishonorably discharged at San Francisco, at the instance of the French Ambassador, as he says, and then came to Honolulu.

He claimed, further, that his father committed suicide on his account, and that his mother was drowned in the La Burgoyne upon her return voyage to France, after she had pleaded with him to return.

Within the last few months, however, letters have been received in the city, from his supposed deceased mother, and it is now asserted that Sabate is a deserter from the French army, and was never more than a conscript and could not have fought a duel with his colonel.

## Viscount Watanabe Coming

Viscount Watanabe, ex-minister of Finance of the Empire of Japan, and one of the foremost of its public men, is expected by the Japanese community of Honolulu to arrive in the Korea en route home from a tour of the world. While in the city the Japanese will entertain the distinguished visitor.

## REAL ESTATE TRANSACTIONS

Aug. 26—H. Kasea et al. to N. Kasea (3) et al. D. 44 a. of Grant 2685 Waiomua, Kau, Hawaii, con \$114.  
Jas. Kaku to J. K. Kaku, D. 1st 1/2 of Grant 4384, Hawaii, con \$1.  
J. R. H. Bell & hsb to I. Hendrick, D. 1st 1/2 of Grant 4384, Hawaii, con \$1.  
Puna, Hawaii, con \$1.  
I. Hendrick to J. R. H. Bell, D. 1st 1/2 of Grant 4384, Hawaii, con \$1.  
Puna, Hawaii, con \$1.  
J. R. H. Bell & hsb to Isabella Hendrick, D. 1st 1/2 of Grant 4384, Hawaii, con \$1.  
Puna, Hawaii, con \$1.  
R. Andrews & wf to J. K. Lalakea, P. D. pe land Waialea, Hilo, Hawaii, con \$1.  
J. K. Lalakea & wf to R. Andrews, P. D. pe land Waialea, Hilo, Hawaii, con \$1.  
R. Andrews & wf to A. Humburg, D. pe land Waialea, Hilo, Hawaii, con \$1.  
S. Kuley & wf to P. L. Dorch, D. per Grant 3317 cor Luauila & Kapoli St., Honolulu, Oahu, con \$1.  
P. L. Dorch to S. Kuley, D. per Grant 3317 cor Luauila & Kapoli St., Honolulu, Oahu, con \$1.  
H. Post & hsb to Chong Chong, D. 2 pe land Nuania & Co., Koolau, Maui, con \$270.  
Aug. 27—Kahalepuna (widow) to L. L. McCandless, D. int in Apt 1 & 2, R. P. 5641 Kai 608 Auwailohu, Honolulu, Oahu, con \$50.  
Jos. Lutera & wf to Jos. Lutera, D. 1st 1/2 of 1411 Kaili Place, Kaili, Honolulu, Oahu, con \$1.  
Jos. Lutera & wf to M. K. Lutera, D. 1st 1/2 of 1411 Kaili Place, Kaili, Honolulu, Oahu, con \$1.  
P. L. Dorch to C. B. Reynolds, D. lots 3, 4 & 5, Manoa Heights Add., Honolulu, Oahu, con \$1000.  
D. Callihan et al by Comr to Mary Reyes et al, Comr D. lot 3 Machado tract, King St., Honolulu, Oahu, con \$1.  
J. Edwards & hsb to Mary Reyes et al, D. int in lot 3 Machado, King St., Honolulu, Oahu, con \$50.  
J. Edwards & hsb to Mary Reyes, D. int in lot 1 Machado tract, King St., Honolulu, Oahu, con \$475.  
J. Edwards & hsb to H. Machado, D. int in lot 4 Machado tract, King St., Honolulu, Oahu, con \$475.

## RICH LAND

—IN—  
**Central Kona FOR SALE**

By order of REINNE RODANET, Trustee, I offer for sale those certain parcels of land situate at Onouli, South Kona, Island of Hawaii, described in Royal Patent (Grant) No. 1162 to F. C. Schulze, and containing 174 acres. Royal Patent (Grant) No. 2862 to Awahus and containing 739 75-100 acres, situate at Keopuka and Onouli, Island of Hawaii.

This is a tract of land of over 900 acres, situated in the most fertile and richest portion of the Island of Hawaii. It faces the new Government road, extends to the sea, and is five miles from the old Government road, which runs through the property. Portions of the land are already under cultivation. This tract is an attractive tract of about midway between Kailua and Hilo, and five miles from Kailua, three most important points of the Kona district. It has sufficient elevation, running up to fourteen hundred feet, to be particularly healthy and the soil is well adapted to the growth of sugar cane, coffee, fruit, etc., or for the promotion of diversified farming. One part of this land has easy access to several ports for export, and with the advent of the Kona Railway will find themselves in close communication with the thriving city of Hilo. With the revival of the Kona Sugar Co., considerable portions of this land can be successfully planted to sugar cane. This is one of the most splendid opportunities for a good investment that has been put upon the market for a considerable period of time.

Further particulars of  
**JAMES F. MORGAN,**  
65 QUEEN STREET

## Auction Sale

### —OF—

## DELINQUENT SUGAR STOCK

ON SATURDAY, SEPT. 6,  
AT 12 O'CLOCK NOON.

At my salesroom, 65 Queen Street, Honolulu, I will sell at Public Auction, by order of the Treasurer, Mr. Elmer E. Paxton, the following certificates of stock in the Olan Sugar Co., Ltd., unless the 21st assessment, due June 20th, 1902, and delinquent August 20th, 1902, with interest and advertising expenses, is paid on or before the day and hour of sale, at the offices of the B. F. Dillingham Co., Ltd., Stangenwald building, Honolulu.

669-670 Mrs. L. L. Cooke	10-7
725 L. M. Baldwin	50
949 H. G. Junkin	250
981 J. T. Mol	50
1025 Louis S. Gear	25
1247 W. T. Howard, trustee	10
1569 H. MacMillan	100
1442 Mrs. Emma L. Crabbe	25
1455 to 1463 J. Ouderkirk	170
1662 H. C. Davis	100
1688 to 1691 Isabel Kelly	100
1692 Rose M. Kelly	20
1701 A. S. L. Baron Gurney	40
1883 W. A. Greenwell	2
1904 H. Armitage	4
1906 Robert Murray	10
1914 Jerome C. Kelly	5
1943 Wm. R. Kamano	50
1958 Mrs. W. T. Paty	1
2044 W. T. Wheeler	1

Honolulu, August 22, 1902.  
ELMER E. PAXTON,  
Treasurer.

## Ready for Foot Ball Season?

We've got a swell shoe for foot ball players. Better come and see it. Made of heavy tan leather solid toe and strongly reinforced. It is the regulation foot ball shoe.

The price is \$3.50

**Manufacturers' Shoe Co., Limited**  
1057 FORT STREET.

## Lumbago 30 Years



A Remarkable Cure Performed by Dr. McLaughlin's Electric Belt.

Dr. McLAUGHLIN—Dear Sir: I suffered from lumbago pains and sciatica for 30 years before using your Electrical Treatment. In two months your wonderful Belt entirely cured me. Appreciating the excellence of your method, I am, yours truly, HUGH FRASER, 219 1/2 Elm Avenue, San Francisco.

And some people are content with pasting plaster on their backs to get the little relief they give. Lumbago is a condition which can be cured by Electricity as I apply it. I can tell you of hundreds of other cures. My Belt pours a gentle, glowing heat into the back and cures it to stay cured.

A man recently told me that he had had lumbago for twenty years, and it had never laid him up yet, though he felt badly at the time. He was carried from his work in a hack two days after, and was in bed when he sent for my belt. It cured him. Get it before you are laid up. It will cure you quickly, and your trouble will never come back. Call and see it; or sent for book of proof. Send this ad.

**Dr. M. E. McLaughlin,** 906 Market St., San Francisco, Cal., U.S.A.

Office hours: 9 a. m. to 5:30 p. m.; Sundays 10 to 1.  
Never Sold by Drug Stores or Agents.